



**US Army Corps
of Engineers**
Louisville District ®

Joint Public Notice

Public Notice No.

LRL-2015-749-sjk

Open Date:

26 Apr 2017

Close Date:

26 May 2017

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms. Sarah Keller

8902 Otis Avenue, Suite S106B

Indianapolis, Indiana 46216

Phone: 317-543-9424

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

AGENT: VS Engineering, Inc.
4275 North High School Road
Indianapolis, Indiana 46254

LOCATION: On State Road 256, beginning 0.5 mile east of U.S. Highway 31 to 1,200 feet east of State Road 203 in Scott County, Indiana.

Latitude: 38.74332°N
Longitude: 85.78098°W
7.5 Minute Quad: Scottsburg, IN

PURPOSE: The purpose of the project is to improve traffic flow and mobility, overall pavement condition, drainage, and safety of State Road 256.

DESCRIPTION OF WORK: The applicant proposes to reconstruct State Road 256 that would involve 4 intersection improvements, 19 small structure replacements, and one bridge replacement. Approximately 5,842 cubic yards (cys) of fill material would be discharged into 14 wetlands (totaling 0.841 acre) and approximately 555 cys of fill material would be discharged into 20 streams (totaling 4,493 linear feet). The fill material would consist of clean earthen fill, limestone riprap, and poured concrete. The following table summarizes the proposed impacts to "waters of the United States":

| Water Resources | Resource Type | Impact (Linear feet) | Impact (Acres) | Impact Type |
|-----------------|---------------|----------------------|----------------|-------------------------------|
| Stream 2 | Ephemeral | 98 | NA | Culvert/riprap |
| Stream 3 | Ephemeral | 167 | NA | Culvert/riprap/channelization |
| Stream 4 | Perennial | 132 | NA | Bridge replacement/riprap |
| Stream 4A | Ephemeral | 103 | NA | Channel fill |
| Stream 5 | Ephemeral | 176 | NA | Culvert/riprap/channelization |

Regulatory Division
North Branch
Public Notice No. LRL-2015-749-sjk

| | | | | |
|--------------|--------------|-------|-------|-------------------------------|
| Stream 6 | Intermittent | 606 | NA | Culvert/riprap/channelization |
| Stream 6A | Intermittent | 115 | NA | Culvert/riprap |
| Stream 7 | Ephemeral | 26 | NA | Relocation |
| Stream 8 | Ephemeral | 1037 | NA | Relocation |
| Stream 9 | Intermittent | 135 | NA | Culvert/riprap |
| Stream 10 | Ephemeral | 83 | NA | Relocation |
| Stream 11 | Ephemeral | 647 | NA | Relocation |
| Stream 12 | Ephemeral | 91 | NA | Culvert/riprap/channelization |
| Stream 12A | Ephemeral | 90 | NA | Culvert/riprap |
| Stream 14 | Intermittent | 283 | NA | Culvert/riprap/channelization |
| Stream 15 | Intermittent | 158 | NA | Culvert/riprap/channelization |
| Stream 16 | Ephemeral | 172 | NA | Culvert/riprap/channelization |
| Stream 17 | Ephemeral | 160 | NA | Culvert/riprap |
| Stream 18 | Intermittent | 139 | NA | Culvert/riprap/channelization |
| Stream 18A | Intermittent | 75 | NA | Culvert/channelization |
| Wetland 1 | Emergent | NA | 0.043 | Road widening |
| Wetland 2A | Forested | NA | 0.042 | Road widening |
| Wetland 4/2C | Emergent | NA | 0.407 | Intersection realignment |
| Wetland 2D | Emergent | NA | 0.01 | Intersection realignment |
| Wetland 2E | Emergent | NA | 0.026 | Intersection realignment |
| Wetland 2G | Emergent | NA | 0.057 | Intersection realignment |
| Wetland 3 | Forested | NA | 0.161 | Road widening |
| Wetland 6 | Emergent | NA | 0.001 | Road widening |
| Wetland 7 | Emergent | NA | 0.014 | Road widening |
| Wetland 8 | Forested | NA | 0.002 | Road widening |
| Wetland 8A | Emergent | NA | 0.008 | Road widening |
| Wetland 9 | Emergent | NA | 0.007 | Road widening |
| Wetland 11 | Emergent | NA | 0.056 | Road widening |
| Wetland 14 | Emergent | NA | 0.007 | Road widening |
| Total | | 4,493 | 0.841 | |

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has redesigned the intersection improvement at Coffee Pot Road to minimize impacts to aquatic resources. A total of 2,196 linear feet of stream would be relocated on-site to accommodate widening of the highway. These streams would be replaced with streams of equal or greater ecological functions.

Mitigation would be required to compensate for the proposed impacts to streams and wetlands that result in a loss of the aquatic resource and/or their functions. The applicant proposes offsite mitigation that would consist of the creation of 5.2 acres of forested wetland and 1,316 linear feet of meander scar channel in the Muscatatuck River floodplain directly adjacent to two other previously authorized compensatory mitigation sites. The proposed mitigation site is located at latitude 38.713000°N and longitude 85.885100°W, Scott County, Indiana. Additional information regarding the proposed mitigation plan is available upon request.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality; Section 401 WQC Program; 100 North Senate Avenue, Room N1255; Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. In a letter dated March 5, 2014, the U.S. Fish and Wildlife Service (USFWS) indicated that the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Specifically, they conditionally concurred with the applicant's determination (on behalf of Federal Highway Administration) that the proposed project would not likely adversely affect the Indiana bat and northern long-eared bat.

In a letter dated March 8, 2016, the State Historic Preservation Office (SHPO) concurred with the applicant's finding (on behalf of Federal Highway Administration) that no historic properties would be adversely affected by the proposed project. However, the applicant is currently in the process of surveying the proposed mitigation site and will coordinate with SHPO regarding their findings. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

Regulatory Division
North Branch
Public Notice No. LRL-2015-749-sjk

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Sarah Keller; CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2015-749-sjk.

If you desire to submit your comments by email, you must comply with the following:

Regulatory Division
North Branch
Public Notice No. LRL-2015-749-sjk

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2015-749-sjk.

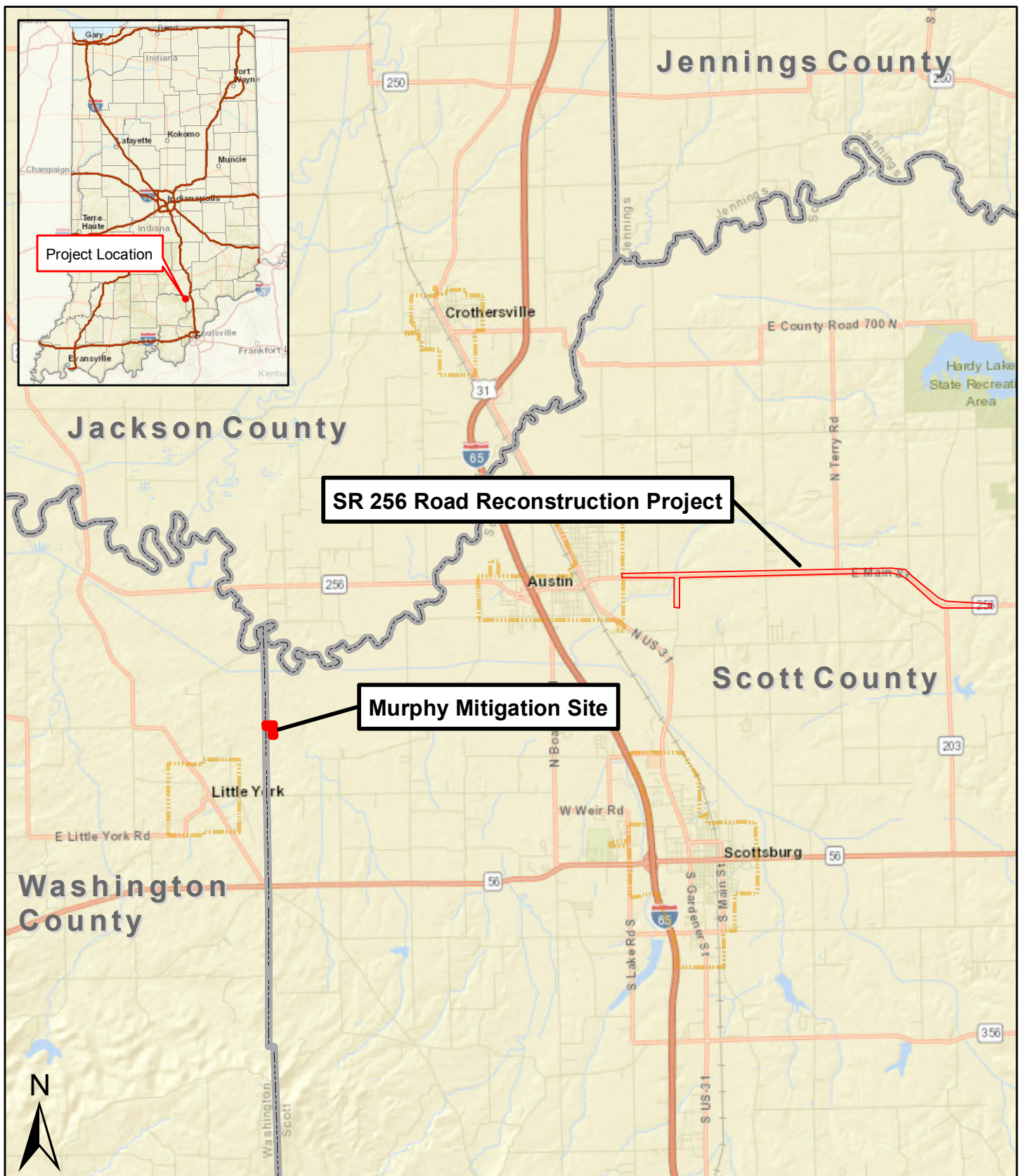
Example:

Subject: LRL-2015-749-sjk

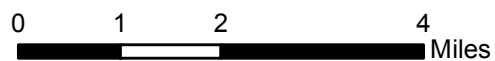
b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

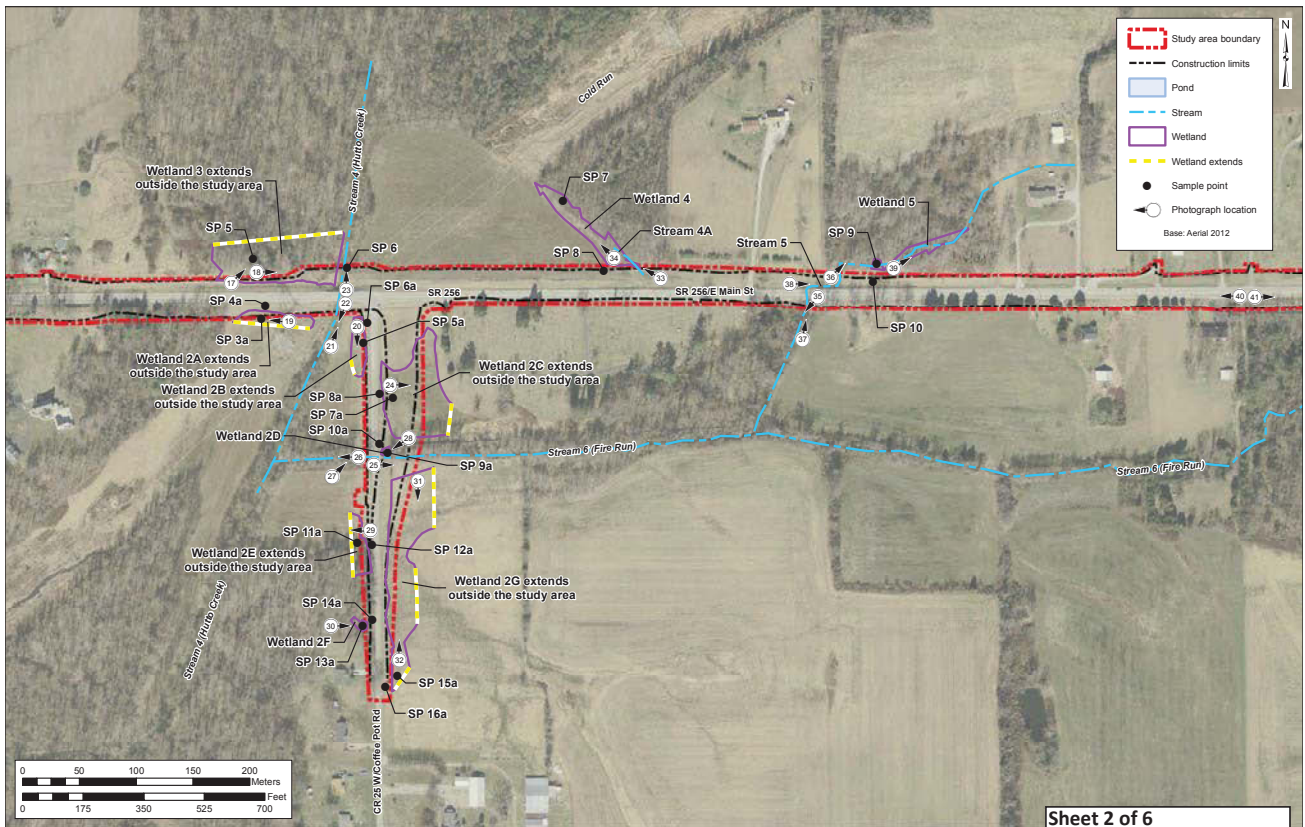
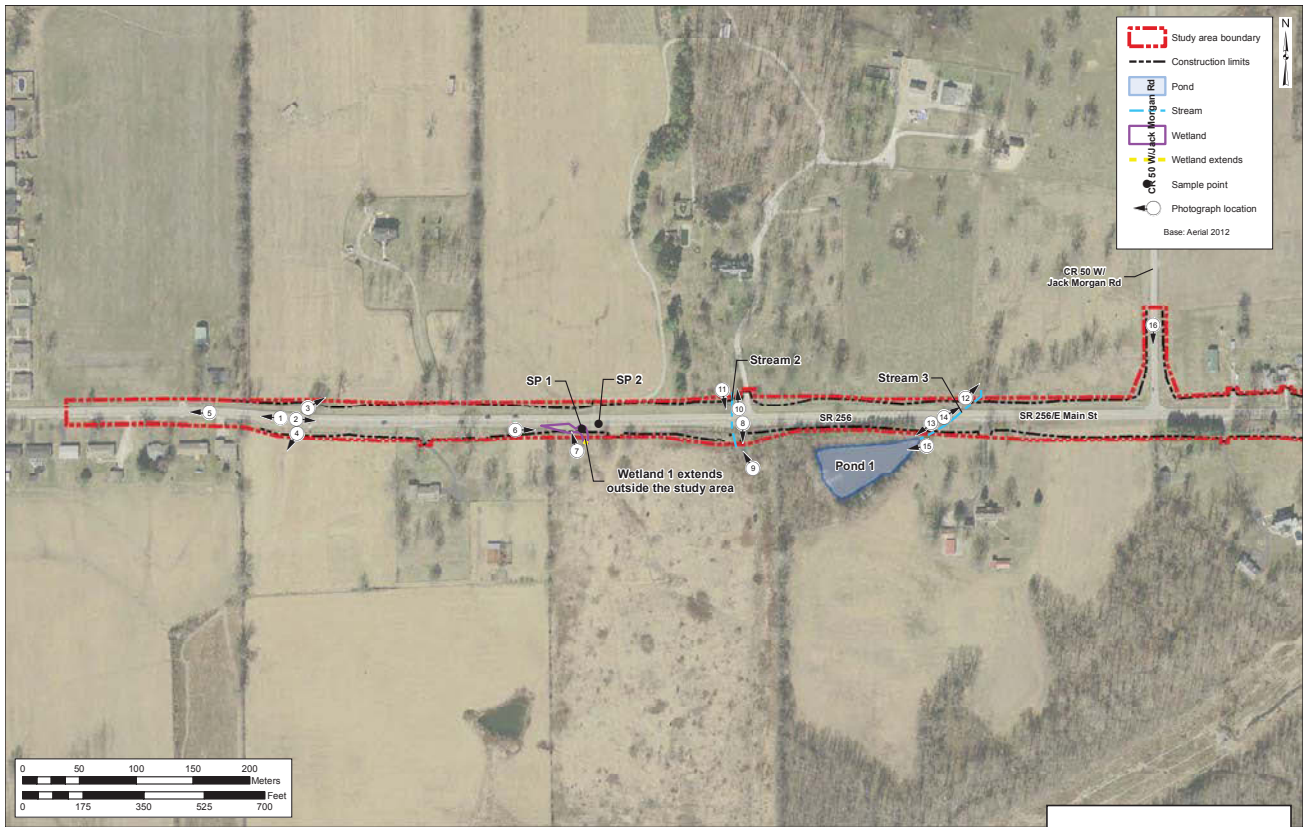
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

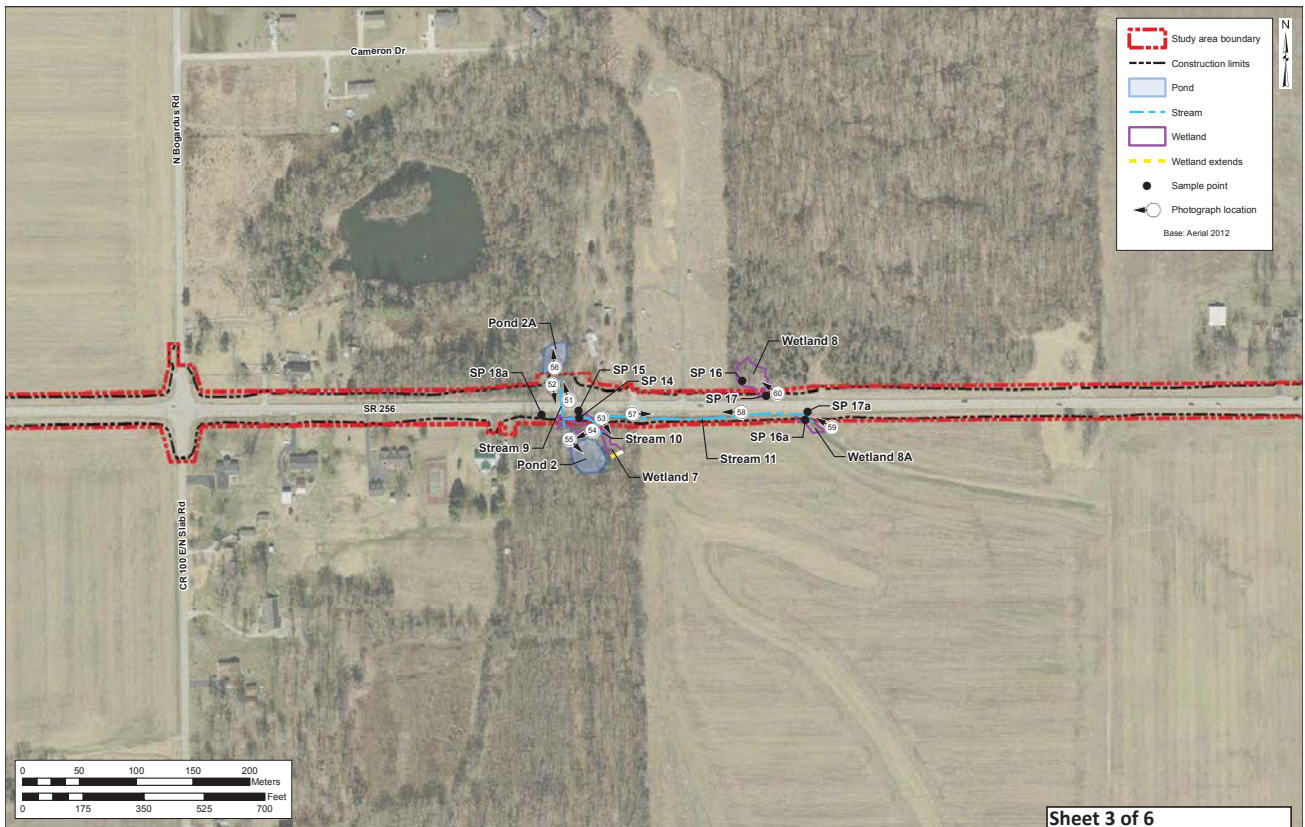
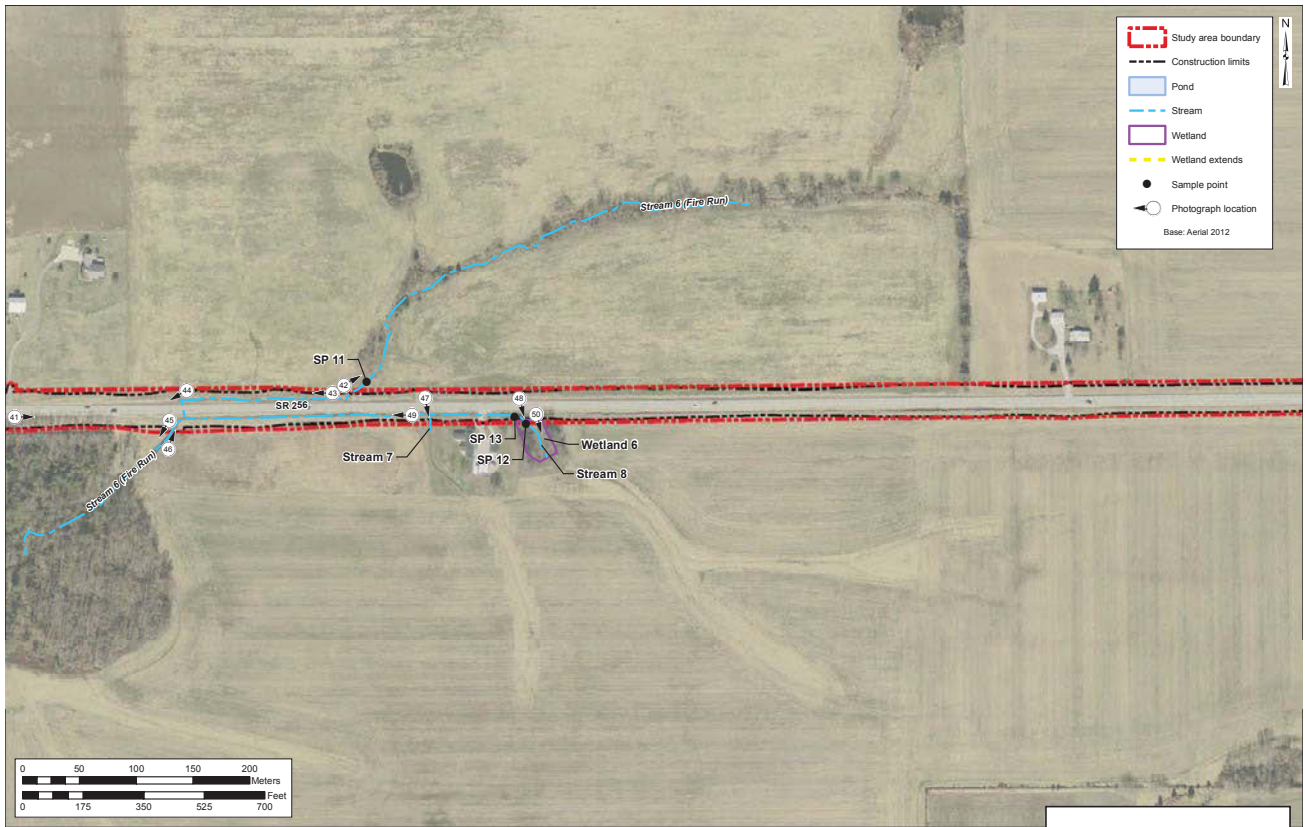


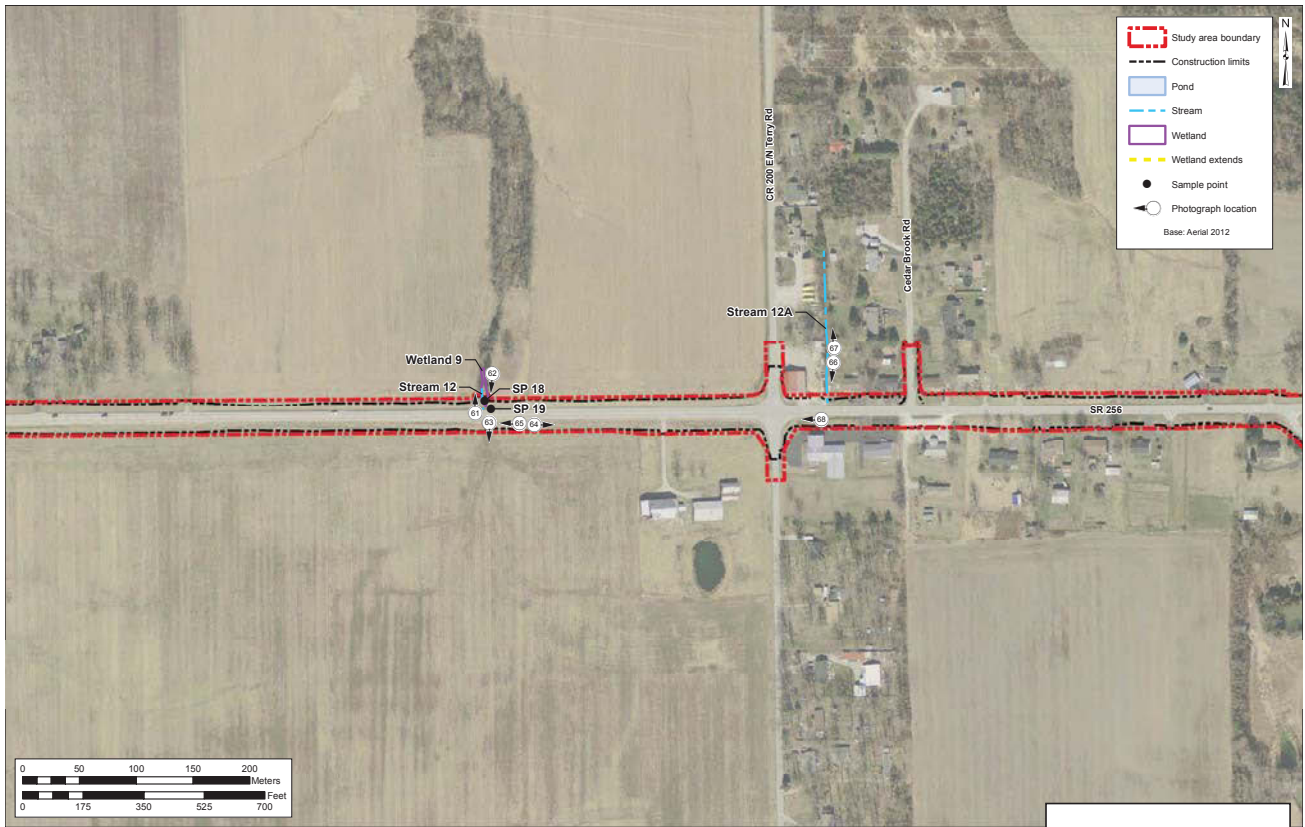
INDOT Des. No. 1382736
April 11, 2017



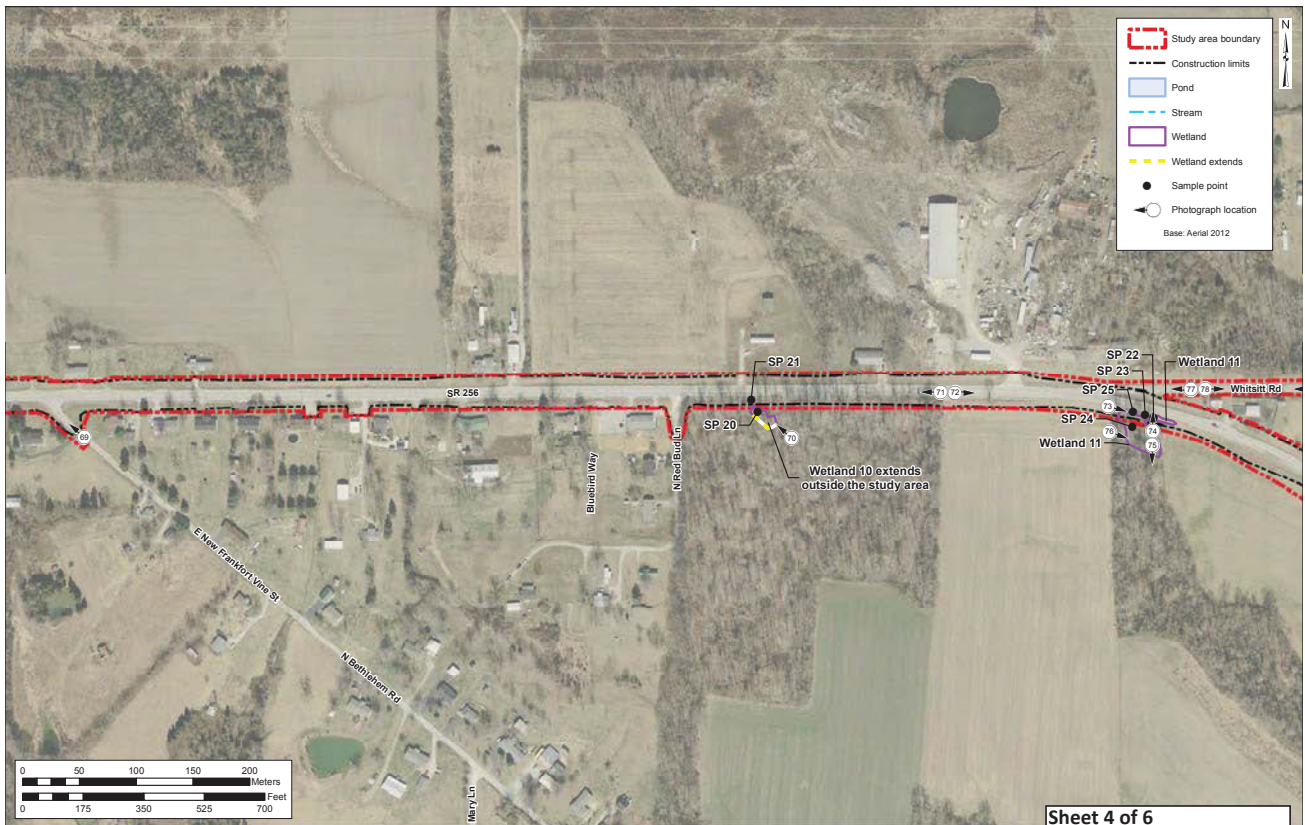
Scott County, Indiana



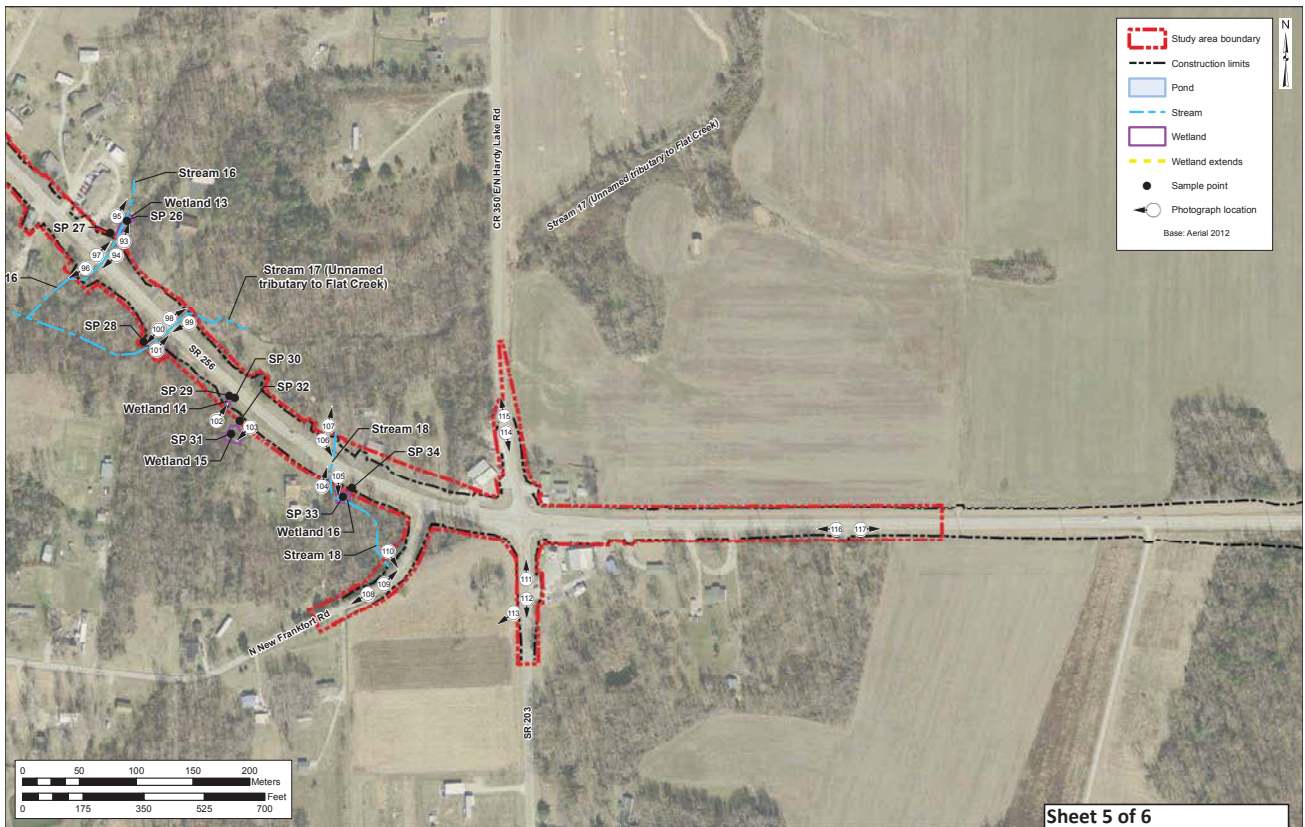
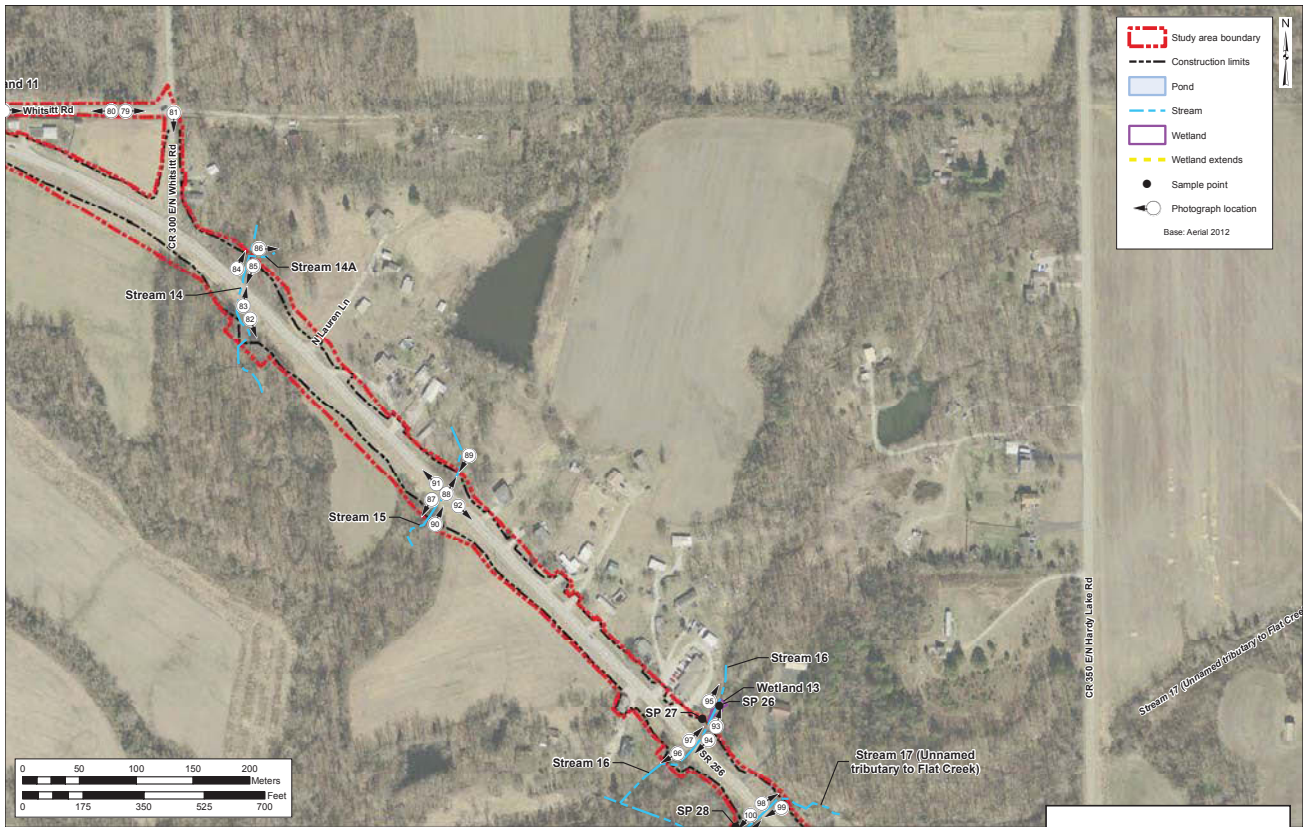




SR 256 Road Reconstruction
USACE ID No. LRL-2015-749-sjk
Project Alignment Map 5 of 8






Sheet 4 of 6
SR 256 Road Reconstruction
USACE ID No. LRL-2015-749-sjk
Project Alignment Map 6 of 8





Legend

-  Forested wetland tree planting
-  Emergent wetland seed mix
-  New stream channel

INDOT Des. No. 1382736
April 11, 2017

0 60 120 240
Feet

Scott County, Indiana

 **VSE ENGINEERING, INC.**
Civil • Structural • Transportation • Environmental



Sheet 6 of 6
SR 256 Road Reconstruction
USACE ID No. LRL-2015-749-sjk
Murphy Mitigation Site